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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/080,977	02/21/2002	Atsushi Kanagawa	FUJO 19.465	9995
26304	7590	11/14/2005	EXAMINER	
KATTEN MUCHIN ROSENMAN LLP			IQBAL, KHAWAR	
575 MADISON AVENUE			ART UNIT	
NEW YORK, NY 10022-2585			PAPER NUMBER	

2688

DATE MAILED: 11/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/080,977

Applicant(s)

KANAGAWA, ATSUSHI

Examiner

Khawar Iqbal

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address.--

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 and 19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 14-18 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10-12-2004</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The term "this base station" in claim 12 is a relative term which renders the claim indefinite. The term "this base station" is not defined by the claim 12, lines 8 and 11 the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 11 is rejected under 35 U.S.C. 102(b) as being unpatentable by Muszynski (5790528).

4. Regarding claim 11 Muszynski teaches a mobile communications system, comprising (figs. 2-3):

a first base station device provided in a first wireless communications area to which at least a first frequency is allocated (Base station 10, fig. 2); a second base station device provided in a second wireless communications area to which at least a second frequency is allocated (Base station 14, fig. 2); a third base station device provided in a third wireless communications area, which is adjacent to the first and second wireless communications areas (Base station 12, fig. 2) and to which the first and second frequencies are allocated for same multiple access scheme, where said third base station device is accommodated in different controllers for each allocated frequency (the CDMA scheme use a hard hand-off operation when two base stations cannot use the same frequency to provide respective services to a mobile station, for example. In such a case, a brief moment of disconnection is observed before a switched channel is reconnected, the CDMA scheme use a soft hand off operation when two base stations use the same frequency to provide respective services to a mobile station) (col. 5, line 56-col. 6, line 30, col. 7, lines 5-35, col. 9, lines 5-35).

5. Claim 19 is rejected under 35 U.S.C. 102(e) as being unpatentable by Sawyer (5901145).

Regarding claim 19 Sawyer teaches a communications control method in a mobile communications system (fig. 1) including a first base station device provided in a first wireless communications area to which at least a first frequency is allocated (col. 4, lines 22-67), a second base station device provided in a second wireless communications area to which at least a second frequency is allocated (col. 4, lines 22-67), a third base station device provided in a third wireless communications area which

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is adjacent to the first and second wireless communications areas and to which the first and second frequencies are allocated (col. 4, lines 22-67, col. 5, lines 55-65, col. 6, lines 26-45), a first controller controlling the first base station device using the first frequency and a second controller controlling the second base station device using the second frequency (col. 4, lines 22-67, col. 5, lines 55-65, col. 6, lines 26-45), wherein the first controller controls communications conducted by the third base station device using the first frequency but not controlling communications conducted by said third base station device using the second frequency (col. 4, lines 22-67, col. 5, lines 55-65, col. 6, lines 26-45); and the second controller controls communications conducted by the third base station device using the second frequency but not controlling communications conducted by said third base station device using the first frequency (col. 4, lines 22-67, col. 5, lines 55-65, col. 6, lines 26-45).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-10, 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sawyer (5901145) and further in view of Ritter (6289221).

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8. Regarding claim 1 Sawyer teaches a mobile communications system in which first and second frequencies are allocated to each wireless communications area, comprising (figs. 1,2):

a first base station device (38) provided in a first wireless communications area (36); a second base station device provided in a second wireless communications area (16) (col. 4, lines 22-67);

a third base station device (18) provided in a third wireless communications area (16) adjacent to the first (38) and second wireless communications areas (16) (col. 4, lines 22-67); a first controller (46) accommodating said first base station (38) device and controlling communications conducted by said third base station device (18) using the first frequency (CDMA); and a second controller (FDMA MSC) accommodating said second base station (18) device using first frequency but not controlling communication conducted by said base station device using the second frequency (col. 4, lines 22-67, col. 5, lines 55-65, col. 6, lines 26-45); and second controller accommodating said second base station and controlling communications conducted by said third base station device using the second frequency but not controlling communications conducted by said third base station device using the first frequency (col. 4, lines 22-67, col. 5, lines 55-65, col. 6, lines 26-45). Sawyer does not specifically teach controller controlling said base station device using the first and second frequencies.

In an analogous art, Ritter teaches controller controlling said base station device using the first and second frequencies (GSM and CDMA) (col. 5, lines 40-57, fig. 1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the

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invention was made to modify the device of Sawyer by specifically adding feature controller controlling said base station device using the first and second frequencies in order to enhance system performance By providing the dual mode mobile radio telephone system, an operator of the system can offer customers, a choice of mobile unit operating in accordance with either the GSM communication unit or the TD/CDMA communication unit, and does not require mobiles to operate in dual mode, that is, to operate in accordance with the GSM system and the TD/CDMA system, and hence cost is saved for both the customer and operator as taught by Ritter.

Regarding claims 2,9 Sawyer teaches wherein when a mobile station using the first frequency in the first wireless communications area moves from the first wireless communications area to the third wireless communications area, said third base station device communicates with the mobile station using the first frequency (col. 4, lines 22-67, col. 5, lines 55-65, col. 6, lines 26-45).

Regarding claims 3,10 Sawyer teaches wherein when a mobile station using the second frequency in the first wireless communications area moves from the first wireless communications area to the third wireless communications area, said third base station device communicates with the mobile station using the second frequency (col. 4, lines 22-67, col. 5, lines 55-65, col. 6, lines 26-45).

Regarding claim 4 Sawyer teaches wherein when a mobile station using the first frequency in the third wireless communications area moves from the third wireless communications area to the first wireless communications area, said first base station

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device communicates with the mobile station using the first frequency (col. 4, lines 22-67, col. 5, lines 55-65, col. 6, lines 26-45).

Regarding claims 5,13 Sawyer teaches wherein when a mobile station using the second frequency in the third wireless communications area moves from the third wireless communications area to the first wireless communications area, said first base station device communicates with the mobile station using the first frequency (col. 4, lines 22-67, col. 5, lines 55-65, col. 6, lines 26-45).

Regarding claims 6,7 Sawyer teaches Lake does not specifically teach wherein said third base station device is connected to said first controller via a first transmission line and is connected to said second controller via a second transmission line (col. 4, lines 22-67, col. 5, lines 55-65, col. 6, lines 26-45).

Regarding claim 8 Sawyer teaches a mobile communications system, comprising (figs. 1,2):

a first base station device provided in a first wireless communications area to which at least a first frequency is allocated (col. 4, lines 22-67, col. 5, lines 55-65, col. 6, lines 26-45); a second base station device provided in a second wireless communications area to which at least a second frequency is allocated (col. 4, lines 22-67, col. 5, lines 55-65, col. 6, lines 26-45); a third base station device provided in a third wireless communications area, which is adjacent to the first and second wireless communications areas and to which the first and second frequencies are allocated (col. 4, lines 22-67, col. 5, lines 55-65, col. 6, lines 26-45); a first controller accommodating said first base station device and controlling communications conducted by said third



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base station device using the first frequency but not controlling communication conducted by said base station device using the second frequency (col. 4, lines 22-67, col. 5, lines 55-65, col. 6, lines 26-45); and a second controller accommodating said second base station device and controlling communications conducted by said base station device using the second frequency but not controlling communications conducted by said third base station device using the first frequency (col. 4, lines 22-67, col. 5, lines 55-65, col. 6, lines 26-45). Loke does not specifically teach controlling communication conducted by said third base station device. Sawyer does not specifically teach controller controlling said base station device using the first and second frequencies.

In an analogous art, Ritter teaches controller controlling said base station device using the first and second frequencies (GSM and CDMA) (col. 5, lines 40-57, fig. 1). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Sawyer by specifically adding feature controller controlling said base station device using the first and second frequencies in order to enhance system performance. By providing the dual mode mobile radio telephone system, an operator of the system can offer customers, a choice of mobile unit operating in accordance with either the GSM communication unit or the TD/CDMA communication unit, and does not require mobiles to operate in dual mode, that is, to operate in accordance with the GSM system and the TD/CDMA system, and hence cost is saved for both the customer and operator as taught by Ritter.

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As to claim 12 it is considered the claim is rejected for same reason as set forth in claim 1.

### Response to Arguments

9. Applicant's election with traverse of Group II in the reply filed on 9-14-05 is acknowledged. Applicant's argument with respect to claim 19 found persuasive and claim 19 is included in Group I.

Claims 1-13 and 19, drawn to a mobile communications system in which frequencies are allocated, classified in class 455, subclass 446.

Claims 14-18, drawn to a base station device, classified in class 455, subclass 561.

10. Applicant's arguments with respect to claims 1-13 and 19 have been considered but are moot in view of the new ground(s) of rejection.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Khawar Iqbal whose telephone number is (571) 272-7909.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status

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information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

Khawar Iqbal

  
**GEORGE ENG**  
**PRIMARY EXAMINER**